

26004

Mariner's Club

Aka Ocean Key Assoc.inc.

Administrative Appeal

#26004

Additional Info Added to file #26004

End of Additional Information

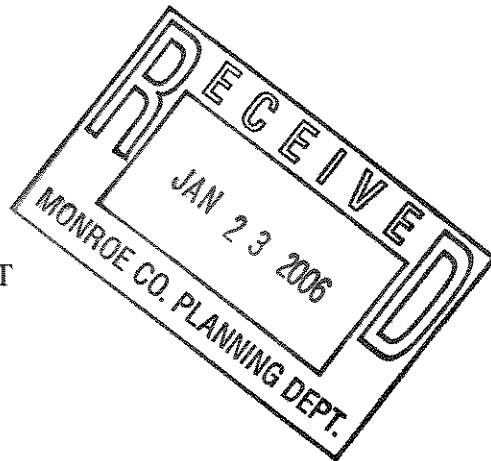
#26004

REED & COMPANY
Development Services, Inc.



January 17, 2006

MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227



RE: *Administrative Appeal*

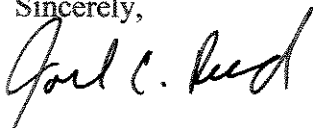
Dear Planning Commission Coordinator:

Please find the enclosed Administrative Appeal application regarding the December 16, 2005 denial to a request for a Minor Deviation Application pertaining to the Mariners Site in Key Largo. The following documents are enclosed for your review:

- Administrative Appeal Application and;
- Check for \$1,742 comprised of: \$950 Application fee, \$735 Newspaper Ads, \$57 Surrounding Property Owner Notices; and
- Basis of Appeal; and
- Code Enforcement Detail Sheets, Mailing Label of all adjacent landowners, List of adjacent property owners; and
- Agency letter between Doug Cordell, Vice President for Ocean Key Associates and Joel C. Reed, President of Reed & Company Development Services, Inc.; and
- Location Map of Mariners Club with Subject Area indicated, Survey of Site, Photograph of site subject to the appeal; and
- Minor Deviation Request dated November 21, 2005 along with supporting documents to include diagram and site plan; and
- Denial of Request dated December 16, 2005; and
- Documentation of five (5) previous Minor Deviation approvals.

If I can provide any further information or be of any further assistance in this matter, please contact me at your earliest opportunity.

Sincerely,


Joel C. Reed

REED & COMPANY
Development Services, Inc.

R&C

January 17, 2006

MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227



RE: Administrative Appeal

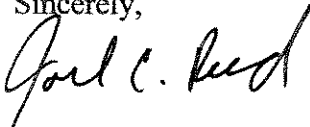
Dear Planning Commission Coordinator:

Please find the enclosed Administrative Appeal application regarding the December 16, 2005 denial to a request for a Minor Deviation Application pertaining to the Mariners Site in Key Largo. The following documents are enclosed for your review:

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- Check for \$1,742 comprised of: \$950 Application fee, \$735 Newspaper Ads, \$57 Surrounding Property Owner Notices; and
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- Location Map of Mariners Club with Subject Area indicated, Survey of Site, Photograph of site subject to the appeal; and
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- Denial of Request dated December 16, 2005; and
- Documentation of five (5) previous Minor Deviation approvals.

If I can provide any further information or be of any further assistance in this matter, please contact me at your earliest opportunity.

Sincerely,


Joel C. Reed

91700 Overseas Hwy, Suite 3 • Tavernier, FL 33070
Office: 305.852.4852 • Cell: 305.393.5413 • Fax: 305.852.4711
Email: joelreed@keysdevelopment.com • Website: keysdevelopment.com





**MONROE COUNTY PLANNING DEPARTMENT
APPLICATION FOR ADMINISTRATIVE APPEAL
TO PLANNING COMMISSION**

Please note that the evidence and record which forms the basis for the appeal must be submitted with this application.

If new evidence or the basis for appeal is submitted at the Planning Commission hearing, the Planning Staff will request that the hearing be continued to the next Planning Commission meeting in the area (six weeks) so that the staff has the opportunity to prepare a response to the new evidence.

If the applicant does not submit the basis for the appeal with the application, the Planning Staff will recommend denial of the appeal.

PLEASE COMPLETE ALL OF THE FOLLOWING INFORMATION:

1) DECISION BEING APPEALED: Minor Deviation Request for Mariners Club Site Plan.

2) DATE OF DECISION BEING APPEALED: December 16, 2005

3) APPELLANT:

Name: OCEAN KEY ASSOCIATES LTD

Address: 12800 UNIVERSITY DR, SUITE 400

City/State/Zip: FORT MYERS, FL, 33907

Phone Number: (Home) _____ (Work) 239-415-6200 (Fax) _____

4) AGENT (If Applicable):

Name: REED & COMPANY DEVELOPMENT SERVICES, INC. (JOEL C. REED)

Address: 91700 OVERSEAS HWY., SUITE 3

City/State/Zip: TAVERNIER/FL/33070

Phone Number: (Home) 305-393-5413 (Work) 305-852-4852 (Fax) 305-852-4711

APPLICANT MUST SUBMIT A NOTARIZED LETTER AUTHORIZING THE AGENT TO ACT ON HIS BEHALF AND STATING THE AGENT'S NAME, ADDRESS, PHONE AND FAX NUMBER.

5) OWNER:

Name: SAME AS ABOVE

Address: _____

City/State/Zip: _____

Phone Number: (Home) _____ (Work) _____ (Fax) _____

6) LEGAL DESCRIPTION OF PROPERTY: Lot: 1-12 Block: 11

Subdivision: MANDALAY SUBDIVISION

Block 11, Lots 1-12, and Tract K of the amended Plat of Mandalay subdivision, Section 6, Township 62, Range 39 east, Key Largo, Florida.

KEY: KEY LARGO MM: 97.5

7) A) LAND USE DESIGNATION: SUBURBAN COMMERCIAL (SC)

B) REAL ESTATE NUMBER(S): 00554891.010800; 00554891.013200;
00554891.013100; 00554891.013000; 00554891.012900; 00554891.012800; 00554891.012700;
00554891.012600; 00554891.012500; 00554891.012400; 00554891.012300; 00554891.012200;
and 00554891.01210.

8) **A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION The brief must at a minimum state all grounds for the appeal, including, but not limited to, the law being appealed and any facts necessary interpretation of those laws. (See Attached "Basis of Appeal").**

9) NAMES AND ADDRESSES OF ALL EXPERT WITNESSES THAT YOU PROPOSE TO CALL AT THE HEARING:

N/A

10) Are there any pending codes violations on the property? Yes X No

If yes, please explain: **See Attached Case #CEO4030068, Closed 3/8/2004; Case #CEO4010189, Closed 1/22/2004; and Case #05-0780C, O Opened with Recep.**

11) A copy of the document(s), which comprise the administrative decision being appealed.
See Attached, request for minor deviation letter dated November 21, 2005 along with supporting documents to include diagram and site plan; And denial letter dated December 16, 2005.

- 12) TYPED NAME AND ADDRESS MAILING LABELS of all adjacent landowners must accompany this application. Also, please provide the listing of the names, subdivision name, lot and block # and the RE #'s for each address and note those that are adjacent to the property. (Adjacent landowner means an owner of land sharing a boundary with another parcel of land. An intervening road, right-of-way, easement or canal does not destroy the adjacency of the two parcels.)

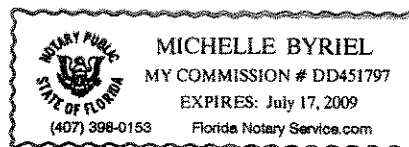
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Joel C. Reed
Signature of Applicant or Agent

January 12, 2006
Date

Sworn before me this 12 day of January, 2006 A.D.

Michelle Byriel
Notary Public
My Commission Expires



THE FOLLOWING INFORMATION MAY BE REQUIRED WITH YOUR APPLICATION:

Note: If supporting data such as blueprints or surveys are larger than 8 ½ x 14 inches, the applicant shall submit sixteen (16) copies of each.

- 16 Photographs of the subject property.
- Survey or site plan showing all proposed structures or subjects of this appeal.

APPEALS FROM ADMINISTRATIVE ACTIONS MUST BE FILED WITH THE COUNTY ADMINISTRATOR AND WITH THE PLANNING COORDINATOR WITHIN 30 WORKING DAYS OF THE DATE OF THE DECISION.

THE FOLLOWING NON-REFUNDABLE FEES **MUST** ACCOMPANY ALL APPEAL APPLICATIONS:

- a) \$950.00 Appeal Application Fee
- b) \$3.00 Notification fee per adjacent property owner.
- c) \$245.00 per Newspaper advertisement. (X 3 newspapers).

Your check should be made payable to: "Monroe County Planning Department" and submitted with your application to:

**MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227**

AND

**A copy of the application to:
Tom Willi, Monroe County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, NOTICE IS GIVEN THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. SUCH RECORD TO BE AT THE COST OF THE APPELLANT. ALSO, MONROE COUNTY RESOLUTION #131-1992 REQUIRES THAT "IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE PLANNING COMMISSION, HE SHALL PROVIDE A TRANSCRIPT OF THE HEARING BEFORE THE PLANNING COMMISSION, PREPARED BY A COURT REPORTER AT THE APPLICANT'S EXPENSE, WHICH TRANSCRIPT SHALL BE FILED AS PART OF THE RECORD ON APPEAL WITHIN THE TIME PROVIDED IN SECTION 9.5-521(f), MONROE COUNTY CODE."

Please Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.



BASIS OF APPEAL

On December 16, 2005 Monroe County denied our November 21, 2005 Minor Deviation request. The request was to alter the boat rack storage building as approved per Resolution P82-02 which amended the original major conditional use approval, Resolution 30-1980. The request was based on technical difficulties brought to light in the engineering process of the structure (Please refer to the original letter, diagram and attached site plan showing exactly what the minor deviation request was for).

The County denied our request for a Minor Deviation stating that there were no provisions in the code to increase the floor area/footprint of structures. However, Section 9.5-72(b)(3) provides the provisions for those deviations which may be authorized and more definitively allows for the "reduction of the total amount of open space by not more than five (5) percent or reduction of the yard area or open space associated with any single structure by not more than five (5) percent provided that such reduction does not permit the required open space to be less than that required..." The only way for a reduction in the open space or yard area would be to increase the development at any given site. This could come in the form of increasing structures, roads, walkways, pools, etc. Also, the code is clear that minor deviations may be authorized in light of technical and engineering considerations. Based on the following we believe the code is clear in providing a mechanism whereby we may increase the footprint/floor area of the structures, due to technical difficulties, as long the total amount of open space or yard area is not reduced by more than five (5) percent.

Below are five examples in which the Planning Department has authorized five approvals for minor deviations that fit the criteria above and are just as "beyond the scope of the regulations", as stated by Aref Joulani in his December 16, 2005 denial letter, as those proposed by our project but were granted approval through the Minor Deviation process.

Letter dated January 14, 2004 in which K. Marlene Conaway, Director of Planning signed a Minor Deviation request in where she approved the reconfiguration of the location of several residential units and some amenities, including the swimming pool, clubhouse, and boat parking. This request approved the moving of these items greater than the five (5) feet as outlined in the Monroe County Code. The Director reviewed the proposed changes and found that they would not require further Planning Commission deliberation as they do not reflect a change in density or open space.

Letter dated March 18, 2005 signed by K. Marlene Conaway, Sr. Director of Planning & Environmental Resources grants approval for a Minor Deviation request at the Rock Harbor Mobile Home Park, in which there is an "expansion in the footprint of the houses" (Paragraph 3, Line 3). The director directly in this case granted an approval to the increase of the floor area/footprint of the structures.

Memorandum, from K. Marlene Conaway, Director of Planning and Environmental Resources, CC to Tim McGarry, Joe Paskilik, Tim Root, dated May 29, 2003 granting the elimination of a workshop (209 SF) and adding 150 s.f. to the retail dive shop is sated

BASIS OF APPEAL

to be consistent with the intent of a minor deviation. The director directly in this case granted an approval to the increase of the floor area/footprint of the structures.

Memorandum from Timothy McGarry, Director of Planning to file #97-1-026, Strikezone Charters, authorizing the relocation of a fuel tank.

Memorandum from Sheryl Bower, no title, and no date, regarding Tracker Marine Revision to 96-3-2556, approving a minor deviation at the Tracker Marine site to include additions to buildings.

Mr. Joulani, Senior Administrator of Development Review & Design stated in his December 16, 2005 denial of our Minor Deviation request that the increase to the floor area/footprint of the structures was beyond the scope of the regulations. However, as evidenced by the code itself and the given historical examples above, it has been the practice of the planning department to grant such requests.

All the examples above are past approvals that have been granted under the minor deviation process and parallel the request that we have submitted. All grant approval based on the deviation requests being consistent with the intent of the minor deviation process and the basis of review has surrounded that they do not reflect a change in density or open space. We have shown that are requested deviation is in light of technical difficulties and consistent with the intent of the minor deviation and in compliance with regulations set forth in the code. Based on such, we ask that the planning commission please move to reverse the decision by the Planning Department and move to approve the request as shown within our Minor Deviation application so as to continue on with the permitting and development at our site.



CODE ENFORCEMENT DETAIL



CASE INFO

PROPERTY INFO

| | | | | | |
|-----------------|------------|-------------|----------|----------------|-----------------------------|
| NUMBER | CE04030068 | DATE | 3/4/2004 | PARCEL | 00554891000000 |
| TYPE | 4 | OPER | tmkerr | ADDRESS | MARINER'S CLUB |
| DESC | CDF | | | CSZ | KEY LARGO , FL 33037 |
| TENANT | | | | OWNER | OCEAN KEY ASSOC LTD /ROSEN |
| ADD INFO | | | | ADDRESS | 550 MAMARONECK AVE, STE 203 |
| STATUS | C CLOSED | | | CSZ | HARRISON , NY 10528 |
| OFFICER | TDK | | | PHONE | |

VIOLATION CODES 1: 9.5-403(B) -- PROHIBITED SIGNS

CASE DESCRIPTION BANNER TIED TO TREES

INSPECTIONS/EVENTS DETAIL

| DATE | TIME | INSP/EVE TYPE | INSTRUCTIONS |
|----------|----------|-------------------------|---|
| 3/8/2004 | 08:14:46 | CLOSE CASE EVENT | CLOSE FUNCTION BY TDKERR BANNER REMOVED. |
| 3/4/2004 | 11:39:48 | INITIAL INSPECTION TYPE | COURTESY NOTICE ISSUED |
| 3/4/2004 | 11:39:42 | CREATE A CASE | VIOLATION RECORDED TMKERR |

CODE ENFORCEMENT DETAIL



CASE INFO

PROPERTY INFO

| | | | | | |
|-----------------|------------|-------------|-----------|----------------|-------------------------------|
| NUMBER | CE04010189 | DATE | 1/22/2004 | PARCEL | 00554891000000 |
| TYPE | 5 | OPER | lipskyd | ADDRESS | KEY LARGO NORTH SUBD,PT.TRT.5 |
| DESC | REFERRAL | | | CSZ | KEY LARGO , FL 33037 |
| TENANT | | | | OWNER | OCEAN KEY ASSOC LTD /ROSEN |
| ADD INFO | | | | ADDRESS | 550 MAMARONECK AVE, STE 203 |
| STATUS | C CLOSED | | | CSZ | HARRISON , NY 10528 |
| OFFICER | TDK | | | PHONE | |

VIOLATION CODES 1: 9.5-111(A) -- PERMIT

CASE DESCRIPTION BUILDINGS 1, 3 & 5 WORKING WITHOUT APPROVED PLANS.

INSPECTIONS/EVENTS DETAIL

| DATE | TIME | INSP/EVE TYPE | INSTRUCTIONS |
|-----------|----------|------------------|---|
| 1/22/2004 | 16:01:11 | CLOSE CASE EVENT | CLOSE FUNCTION BY LIPSKYD BUILDING & PLANNING APPROVAL REQUIRED. |
| 1/22/2004 | 15:55:32 | CREATE A CASE | VIOLATION RECORDED LIPSKYD |

CODE ENFORCEMENT DETAIL



CASE INFO

PROPERTY INFO

| | | | | | |
|-----------------|---------------------|----------------|----------|----------------|-----------------------------------|
| NUMBER | 02-0780C | DATE | 7/8/2002 | PARCEL | 00554891004200 |
| TYPE | 4 | OPER | kertr | ADDRESS | BK 4 LT 10 KEY LARGO NORTH PB7-22 |
| DESC | CDF | CSZ | | OWNER | OCEAN KEY ASSOCIATES LTD |
| TENANT | | ADDRESS | | CSZ | 550 MAMARONECK AVE SUITE 203 |
| ADD INFO | UNIT #410 | PHONE | | | HARRISON , NY 10528 |
| STATUS | O OPENED WITH RECEP | | | | |
| OFFICER | JR | | | | |

VIOLATION CODES 1: 9.5-117(A) -- CERTIFICATE OF OCCUPANCY

CASE DESCRIPTION ATF CERTIFICATE OF OCCUPANCY (JR)X7136

INSPECTIONS/EVENTS DETAIL

| DATE | TIME | INSP/EVE TYPE | INSTRUCTIONS |
|-----------|----------|-------------------------|--------------|
| 7/15/2002 | 11:17:42 | INITIAL INSPECTION TYPE | |

J W LARGO LLC
5975 SIERRA RIDGE DR SE
CALEDONIA, MI 49316-9153

DIAZ VALENTIN A
6767 COLLINS AVE, NBR 1000
MIAMI, FL 33141

FERRENTE CARMINE
2200 SOUTH OCEAN LN
FORT LAUDERDALE, FL 33316

RUBIO RICARDO E AND TAMARA
3515 NW 114TH AVE
MIAMI, FL 33178

MILLER LEE AND RONALD DAVID
FAMILY TR AGREE DT 1-2-96
1014 23RD ST
SANTA MONICA, CA 90403

GREATHOUSE WILLIAM M AND
JANICE
244 STONER'S GLEN CT
HERMITAGE, TN 37076

ALLEN HUNTER W
621 DARTMOUTH CREST DR
WILDWOOD, MO 63011

MARTIN CARL
61 APPLGATE RD
FAIRFIELD, CT 6825

AORTELA ROBERT
17792 FIELDBROOK CIR W
BOCA RATON, FL 33496

WILSON J EVERETT
1014 GRANADA BLVD
CORAL GABLES, FL 33134

FRITCH BRADLEY
20123 NOWTHEN BLVD
ELK RIVER, MN 55330

CARTAYA EZEQUIEL
418 TAMARIND DR
HALLENDALE, FL 33009

POCKRUS ALEXANDER L AND LISA R
5790 BEECHWOOD TR
FORT MYERS, FL 33919

BANTA LYNN
RRI BOX 412A
HARVEYS LAKE, PA 18618

GSPARK LLC
P O BOX 56-1604
MIAMI, FL 33256-1604

WEPPLER CHARLES H AND RITA R
3-396 ASSINIBOINE AVE
WINNIPEG, MANITOBA, R3C-0Y1
CANADA

DOT/ST.OF FL
TALLAHASSEE, FL 32399

WATERMAN JAMES H TRUSTEE
193 ATLANTIC BLVD
KEY LARGO, FL 33037

OCEAN SUNRISE ASSOCIATES LLC
12800 UNIVERSITY DR STE 400
FORT MYERS, FL 33907

| Owner's Name | Address | City | State | Zip | RE #'s | Legal |
|---------------------------------------|-----------------------------|---------------|----------|------------|-----------------|--|
| J W LARGO LLC | 5575 SIERRA RIDGE DR SE | CALEDONIA | MI | 49316-9153 | 00554893-000111 | UNIT 111 & 5.81% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| DIAZ VALENTIN A | 6757 COLLINS AVE, NBR 1000 | MIAMI | FL | 33141 | 00554893-000112 | UNIT 112 THE DOLPHIN AT MARINER'S CLUB A CONDO |
| FERRENTE CARMINE | 2200 SOUTH OCEAN LN | FL LAUDERDALE | FL | 33316 | 00554893-000113 | UNIT 113 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| RUBIO RICARDO E AND TAMARA | 3515 NW 114TH AVE | MIAMI | FL | 33178 | 00554893-000114 | UNIT 114 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| MILLER LEE AND RONALD DAVID FAMILY TR | 1014 23RD ST | SANTA MONICA | CA | 90403 | 00554893-000115 | UNIT 115 THE DOLPHIN AT MARINER'S CLUB A CONDO |
| GREATHOUSE WILLIAM M AND JANICE | 244 STONER'S GLEN CT | HERMITAGE | TN | 37076 | 00554893-000121 | UNIT 121 & 5.81% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| ALLEN HUNTER W | 621 DARTMOUTH CREST DR | WILWOOD | MO | 63011 | 00554893-000122 | UNIT 122 THE DOLPHIN AT MARINER'S CLUB A CONDO |
| MARTIN CARL | 61 APPLGATE RD | FAIRFIELD | CT | 6825 | 00554893-000123 | UNIT 123 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| APORTELA ROBERT | 17792 FIELDBROOK CIR W | BOCA RATON | FL | 33486 | 00554893-000124 | UNIT 124 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| WILSON J EVERETT | 1014 GRANADA BLVD | CORAL GABLES | FL | 33134 | 00554893-000125 | UNIT 125 THE DOLPHIN AT MARINER'S CLUB A CONDO |
| FRITCH BRADLEY | 20123 NOWTHEN BLVD | ELK RIVER | MN | 55330 | 00554893-000128 | UNIT 126 & 5.81% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| CARTAYA EZEQUIEL | 418 TAMARIND DR | HALLENDALE | FL | 33009 | 00554893-000131 | UNIT 131 & 5.81% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| POCKRUS ALEXANDER L AND LISA R | 5790 BEECHWOOD TR | FORT MYERS | FL | 33919 | 00554893-000132 | UNIT 132 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| BANTA LYNN | RRI BOX 412A | HARVEYS LAKE | PA | 18618 | 00554893-000133 | UNIT 133 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| GSPARK LLC | P O BOX 56-1604 | MIAMI | FL | 33256-1604 | 00554893-000134 | UNIT 134 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| WEPPLER CHARLES H AND RITA R | 3-396 ASSINIBOINE AVE | WINNIPEG | MANITOBA | R3C-0Y1 | 00554893-000135 | UNIT 135 & 4.93% COMMON ELEMENTS THE DOLPHIN AT MARINER'S CLUB A CONDO |
| DOT/ST OF FL | TRANSPORTATION) | TALLAHASSEE | FL | 32399 | 00554890-000000 | AMID PLAT OF MANDALAY KEY LARGO PB2-25 PT TR 5 (NW25' TR 5) |
| WATERMAN JAMES H TRUSTEE | 193 ATLANTIC BLVD | KEY LARGO | FL | 33037 | 00554940-000100 | AMID PLAT OF MANDALAY KEY LARGO PB5-25 PT TR 5A |
| OCEAN SUNRISE ASSOCIATES LLC | 12800 UNIVERSITY DR STE 400 | FORT MYERS | FL | 33907 | 00554420-000000 | MANDALAY PB1-194 KEY LARGO LOTS 1-8 & 30-33 OR534-798E |

OCEAN KEY ASSOCIATES LTD
12800 UNIVERSITY DR SUITE 400, Fort Myers, FL 33907
Phone: (239) 415-6200

January 6, 2006

Monroe County Planning Dept.
88800 Overseas Highway
Plantation Key, FL 33070

RE: *Agency Letter for property commonly known as Mariners Club of Key Largo and consisting of numerous Real Estate Numbers, the parent real estate number being 00554891 with many split outs.*

To Whom It May Concern:

Please be advised that this letter will certify that Joel C. Reed, President of Reed & Company Development Services, Inc. will act as agent on behalf Ocean Key Associates, LTD in order to submit applications to include an Administrative Appeal relating to the above described property.

Joel C. Reed will be the contact person on the project and will acquire any additional information that the County is requesting from all professionals involved. Please refer to him for, but not limited to, any inquiries, request for additional information, phone conversations, etc. He can be reached by phone at either 305-393-5413 (cell) or 305-852-4852 (Office); fax at (305) 852-4711 and address at 91700 Overseas Hwy., Suite 3, Tavernier, FL 33070.

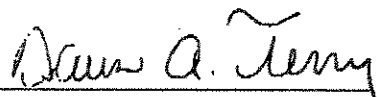
If there is anything else you require regarding this letter, please do not hesitate to contact me at the above listed address and/or phone number. Thank you for your time in this matter.

Sincerely,


Doug Cordello
Vice President

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 6 day of Jan 2006.
(☒ is personally known to me)


Signature of Notary
State of Florida



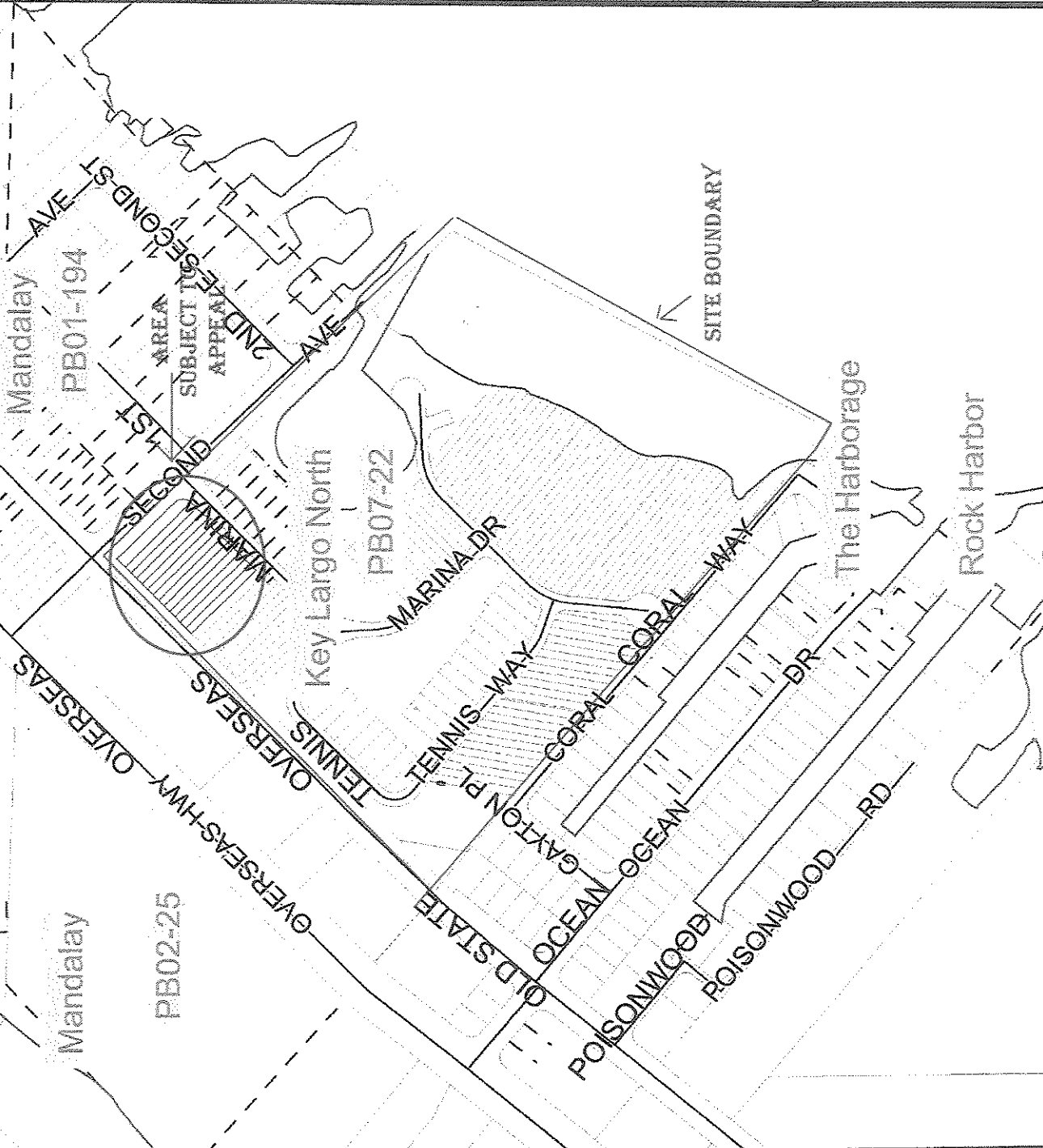
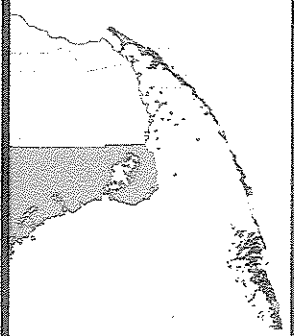
MARINERS CLUB, KEY LARGO

Ervin A Higgs, CFA
Monroe County
Property Appraiser

Title Line 1

- Subdivision Text
- Lot Lines
- Road Names
- Road Names 2
- Road Centerlines
- Water Names
- Parcels
- Shoreline

1 in. = 312.3 feet





REED & COMPANY

Development Services, Inc.



November 21, 2005

Mr. Jason King
Senior Planner, Island Planning team
Monroe County
88800 Overseas Highway
Tavernier, Florida 33070

Re: Minor deviation request for Mariner Club Site Plan

This letter will serve as a request for the Planning Department to consider revisions to the site plan for the above mentioned project. We are requesting review for a minor deviation. The site plan attached reflects the changes as outlined in our letter. We would like to point out that the request does not affect the open space or require any additional clearing. In addition there is no change to the intensity of use at the site since this is a gated community and all the structures on site are accessory to the residences intended to serve the comfort and convince and are de-minimus in scale.

Per Resolution P82-02, which amended the original major conditional use approval, resolution 30-1980, there are two main structures left to be built; the boat storage building/facility and a Recreation/Storage Center. In the process of engineering of the boat rack storage building there have been changes needed in light of technical difficulties which include: the need to widen the structure, shorten one end, and lengthen another. In addition there is "dead space" which is created by the "L" shape and therefore this space with be used as accessory storage and office space since it would be impossible to store boats in this space. For your convenience we have attached a Diagram which shows the outline of the Boat Storage area along with footprint measurements that have been extracted from the approved site plan along with the proposed changes to the footprint brought to light due to technical difficulties in the engineering of the structure.

In Summary the request is for a difference of 10.5 square feet. Although the footprint floor area changed by 2,065 square feet, the only effect is 10.5 square feet to the open space (7 feet by 1.5 feet) on southeast corner of the boat rack. The remaining 2054.5 square feet of floor area does not affect open space because it is over existing non-open space.

In order not to decrease the open space as instructed per resolution P82-02 the 10.5 square feet of open space that is affected by the deviation to the boat rack will be taken from the pool area adjacent to the proposed recreation center. This pool area was already approved at 1,000 square feet, and will be reduced to 989.5 square feet in order to have no net loss in open space. In addition the areas of the boat rack which need to be widened are into already cleared areas, therefore no additional clearing will be required.

Please let us know if you require additional information.

Thank you,

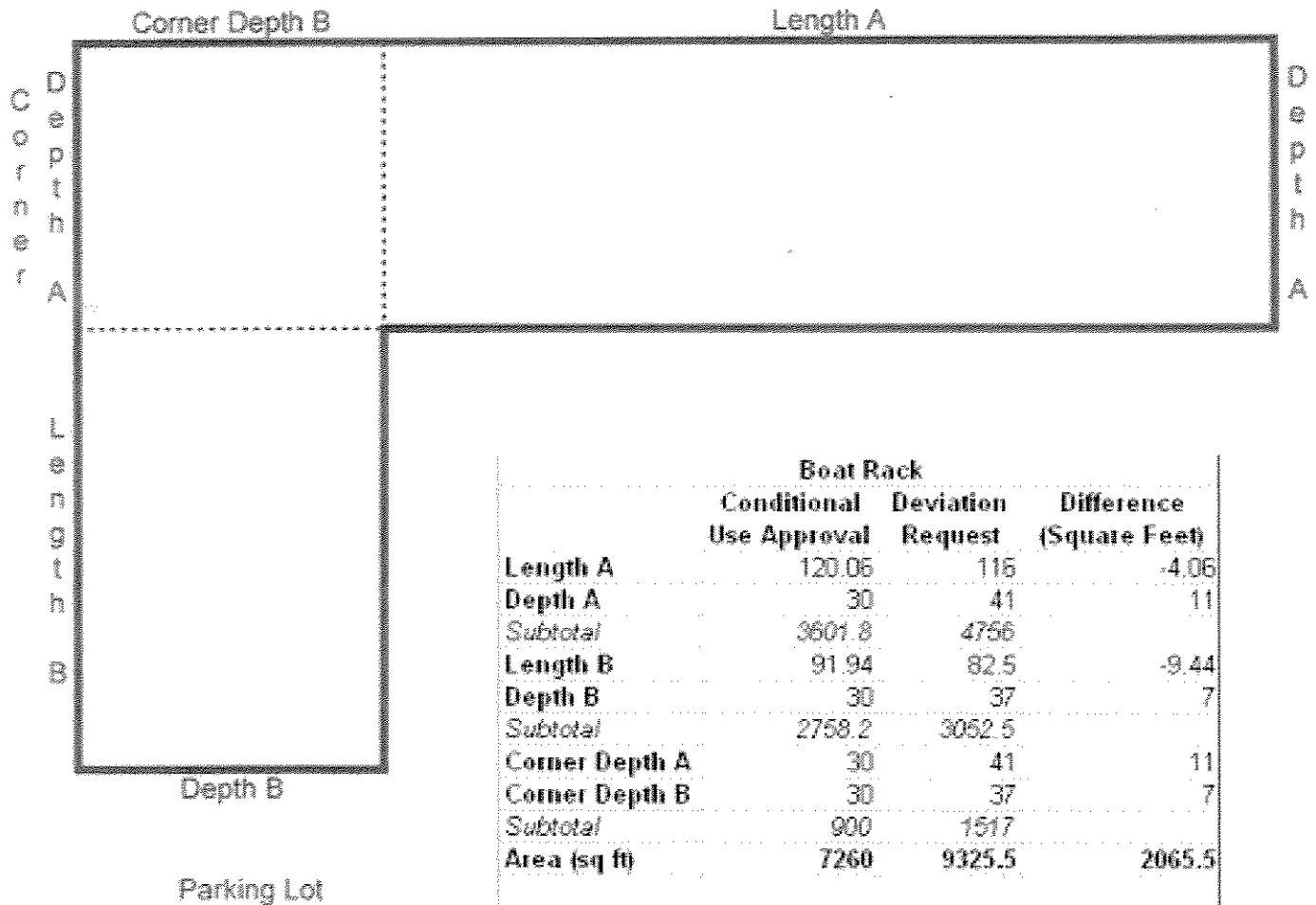


Joel C. Reed

Enc: Diagram and Site Plan

91700 Overseas Hwy, Suite 3 • Tavernier, FL 33070
Office: 305.852.4852 • Cell: 305.393.5413 • Fax: 305.852.4711
Email: joelreed@keysdevelopment.com • Website: keysdevelopment.com

Diagram



| Boat Rack | | | |
|----------------|-----------------------------|----------------------|-----------------------------|
| | Conditional Use Approval | Deviation Request | Difference (Square Feet) |
| Length A | 120.06 | 116 | -4.06 |
| Depth A | 30 | 41 | 11 |
| Subtotal | 3601.8 | 4756 | |
| Length B | 91.94 | 82.5 | -9.44 |
| Depth B | 30 | 37 | 7 |
| Subtotal | 2758.2 | 3052.5 | |
| Corner Depth A | 30 | 41 | 11 |
| Corner Depth B | 30 | 37 | 7 |
| Subtotal | 900 | 1517 | |
| Area (sq ft) | 7260 | 9325.5 | 2065.5 |

Although the floor area changed by 2,065 square feet, the only affect is 10.5 square feet to the open space (7 feet by 1.5 feet) on SouthEast corner of the boat rack the remaining 2054.5 square feet of floor area does not affect open space because it is over existing non-open space.

| POOL | | | |
|-------------|-----------------------------|----------------------|-----------------------------|
| | Conditional Use Approval | Deviation Request | Difference (Square Feet) |
| Square Feet | 1000 | 989.5 | -10.5 |

The 10.5 square feet of open space that is affected by the deviation to the boat rack will be taken from the pool area adjacent to the proposed recreation center. This pool area was already approved at 1,000 square feet, to be reduced to 989.5 square feet in order to have no net loss in open space.



GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2854



BOARD OF COUNTY COMMISSIONERS

Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Term Murray E. Nelson, District 5
George Neugent, District 2
Dixie M. Spehar, District 1
David P. Rice, District 4

Joel Reed
Reed and Company Development Services
91700 Overseas Highway, Suite 3
Tavernier, Florida 33070

December 16, 2005

SUBJECT: MINOR DEVIATION REQUEST FOR MARINER'S CLUB SITE PLAN

Mr. Reed,

The Monroe County Planning Department has received your request for a Minor Deviation which is dated November 21, 2005. However, the Minor/Major Deviation process as described in the Monroe County Code Section 9.5-72 (b) is not the mechanism for the project you have submitted. The project requires an Amendment to Minor/Major Conditional Use as described in Division 3, Conditional Uses, and Sections 9.5-68 and 9.5-69.

If you refer to Section 9.5-72 (b) (3) (a) through (c) for Minor Deviations and Section 9.5 -72 (b) (5) (i) through (iii) for Major Deviations you will find that there is no provision for the increase of the floor area footprint of structures, that your proposal is beyond the scope of the regulations.

If you choose to continue with this project County Staff will provide you with the applications for an Amendment to Minor/Major Conditional Use.

Sincerely,

A handwritten signature in dark ink, appearing to read "Aref Joulani", is written over a large, stylized, light-colored scribble or mark.

Aref Joulani
Senior Administrator of Development Review & Design

Cc. David Dacquist, Island Planning Team Director
File





BOARD OF COUNTY COMMISSIONERS

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Mayor Pro Tem David P. Rice, District 4
Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3

January 14, 2004

Ms. Gay Marie Smith
P.O. Box 1638
Tavernier, Florida 33070

RE: Minor deviations to Rock Harbor Mobile Home Park (Ciudadmar Corporation) site plan.

Dear Ms. Smith,

Planning Commission Resolution P54-03 granted Ciudadmar Corporation the right to replace nineteen (19) mobile homes and one (1) single-family residence with an equivalent (20) amount of ROGO exempt single-family residential units. The proposed units will be a gated condominium-style development with amenities.

The Ciudadmar Corporation has proposed to reconfigure the location of several residential units and some amenities, including the swimming pool, clubhouse, and boat parking. The Director of Planning has reviewed the proposed changes to the approved site plan and finds that they will not require further Planning Commission deliberation as they do not reflect a change in density or open space. The number of units (20) shall remain unchanged and all conditions associated with the original Planning Commission resolution (P54-03) shall remain in effect. The modification to the access drive between units #19 and #20 will have to be reviewed by the Monroe County Fire Marshal to determine compliance with health and safety criteria prior to the issuance of a building permit.

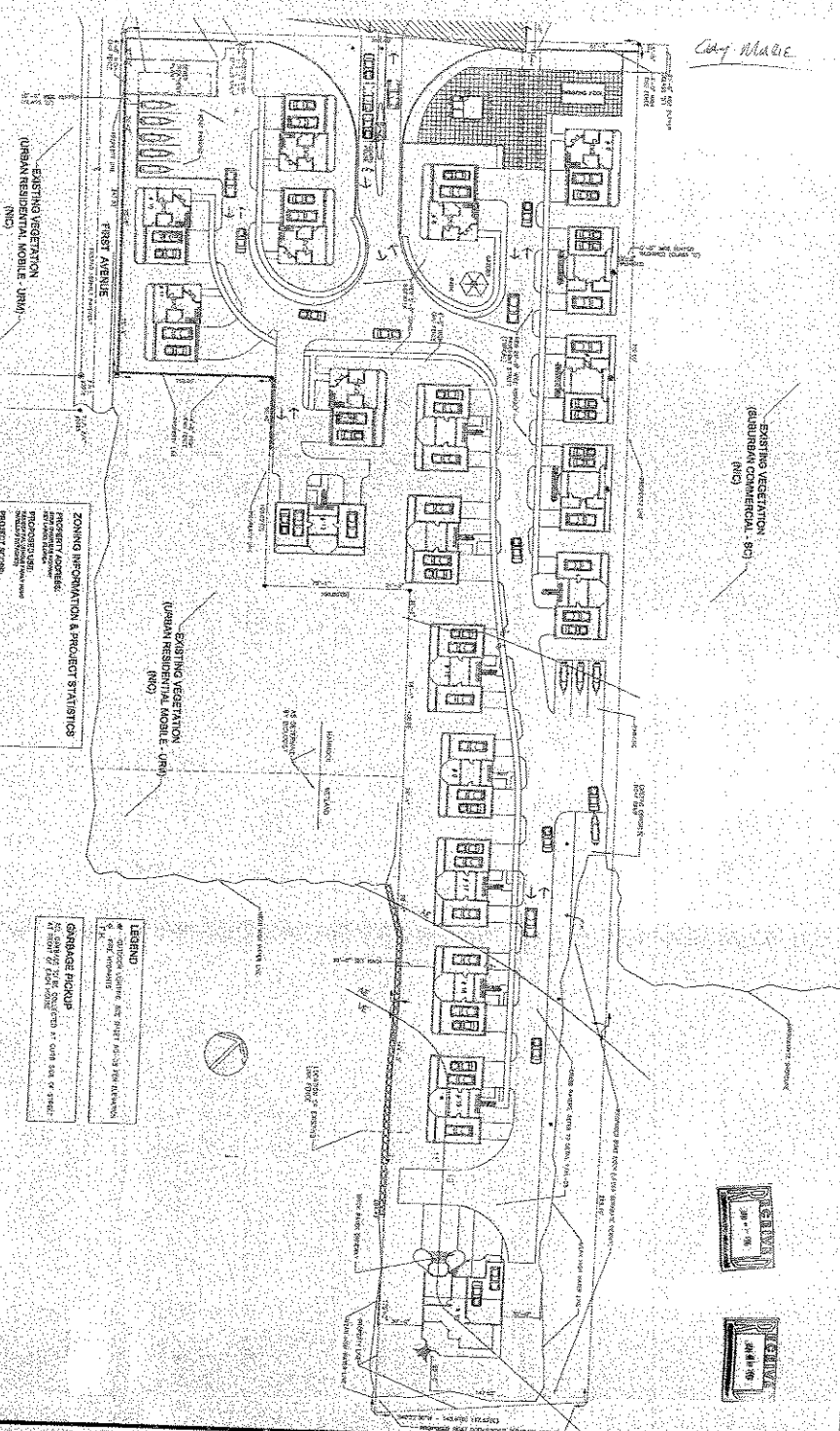
If you have any further questions don't hesitate to call at (305) 289-2500

Sincerely,

K. Marlene Conaway
Director of Planning

CC: J. G. Buckley, Senior Planner
Jeff Stuncard, Senior Planner

Copy Name



LEGEND

EXISTING VEGETATION (URBAN RESIDENTIAL MOBILE - URM) (NO)

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EXISTING VEGETATION (URBAN RESIDENTIAL MOBILE - URM) (NO)

ZONING INFORMATION & PROJECT STATISTICS

PROJECT ADDRESS: 10000 1st Avenue, N.W., Seattle, WA 98148

PROJECT TYPE: Single-Family Residential

PROJECT STATUS: Approved

PROJECT DATE: 10/1/2010

PROJECT AREA: 10000 1st Avenue, N.W., Seattle, WA 98148

RESIDENCES INFORMATION

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BOARD OF COUNTY COMMISSIONERS

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George Neugent, District 2
Charles "Sonny" McCoy, District 3

January 14, 2004

Ms. Gay Marie Smith
P.O. Box 1638
Tavernier, Florida 33070

RE: Minor deviations to Rock Harbor Mobile Home Park (Ciudadmar Corporation) site plan.

Dear Ms. Smith,

Planning Commission Resolution P54-03 granted Ciudadmar Corporation the right to replace nineteen (19) mobile homes and one (1) single-family residence with an equivalent (20) amount of ROGO exempt single-family residential units. The proposed units will be a gated condominium-style development with amenities.

The Ciudadmar Corporation has proposed to reconfigure the location of several residential units and some amenities, including the swimming pool, clubhouse, and boat parking. The Director of Planning has reviewed the proposed changes to the approved site plan and finds that they will not require further Planning Commission deliberation as they do not reflect a change in density or open space. The number of units (20) shall remain unchanged and all conditions associated with the original Planning Commission resolution (P54-03) shall remain in effect. The modification to the access drive between units #19 and #20 will have to be reviewed by the Monroe County Fire Marshal to determine compliance with health and safety criteria prior to the issuance of a building permit.

If you have any further questions don't hesitate to call at (305) 289-2500

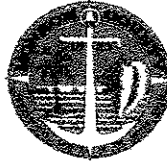
Sincerely,

K. Marlene Conaway
Director of Planning

CC: J. G. Buckley, Senior Planner
Jeff Stuncard, Senior Planner

GROWTH MANAGEMENT DIVISION

2798 Overseas Highway
Suite 400
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

March 18, 2005

Mr. Jorge Ramos
Ciudadmar Investment Inc.
14024 NW 82nd Ave.
Miami Lakes, FL 33016

RE: Minor deviations to Rock Harbor Mobile Home Park (Ciudadmar Corporation) site plan

Dear Mr. Ramos,

Planning Commission Resolution P54-03 granted Ciudadmar Corporation the right to replace nineteen (19) mobile homes and one (1) single-family residence with an equivalent number (20) of ROGO exempt single-family residential units. The proposed units will be a gated condominium-style development with amenities.

On January 14, 2004 the Director of Planning approved a minor deviation to the approved site plan for Ciudadmar Corporation. The proposed changes included reconfiguring the location of several residential units and some amenities, including the swimming pool, clubhouse, and boat parking. The Director found that the changes would not require further Planning Commission deliberation as they did not reflect a change in density or open space. In addition the number of units (20) remained unchanged and all conditions associated with the original Planning Commission resolution (P54-03) were to remain in effect. Proposed modification to the access drive between units #19 and #20 were to be reviewed by the Monroe County Fire Marshal to determine compliance with health and safety criteria prior to the issuance of a building permit.

The Ciudadmar Corporation has again proposed a minor deviation to the original plan as approved per Planning Commission Resolution P54-03 and amended by Minor Deviation dated January 14, 2004. The proposal includes a two-way entry point, changed from one-way; removal of sidewalks, expansion in the footprint of the houses; and refinements to the front entry wall. The Director of Planning has reviewed the proposed changes to the approved site plan and finds that they will not require further Planning Commission deliberation as they do not reflect a change in density or open space. The number of units (20) shall remain unchanged and all conditions associated with the original Planning Commission resolution (P54-03) and those revised and outlined in the minor deviation letter dated January 14, 2004 shall remain in effect. The modifications to the access drive between units #19 and #20 still need to be reviewed by the Monroe County Fire Marshal to determine compliance with health and safety criteria prior to the issuance of a building permit.

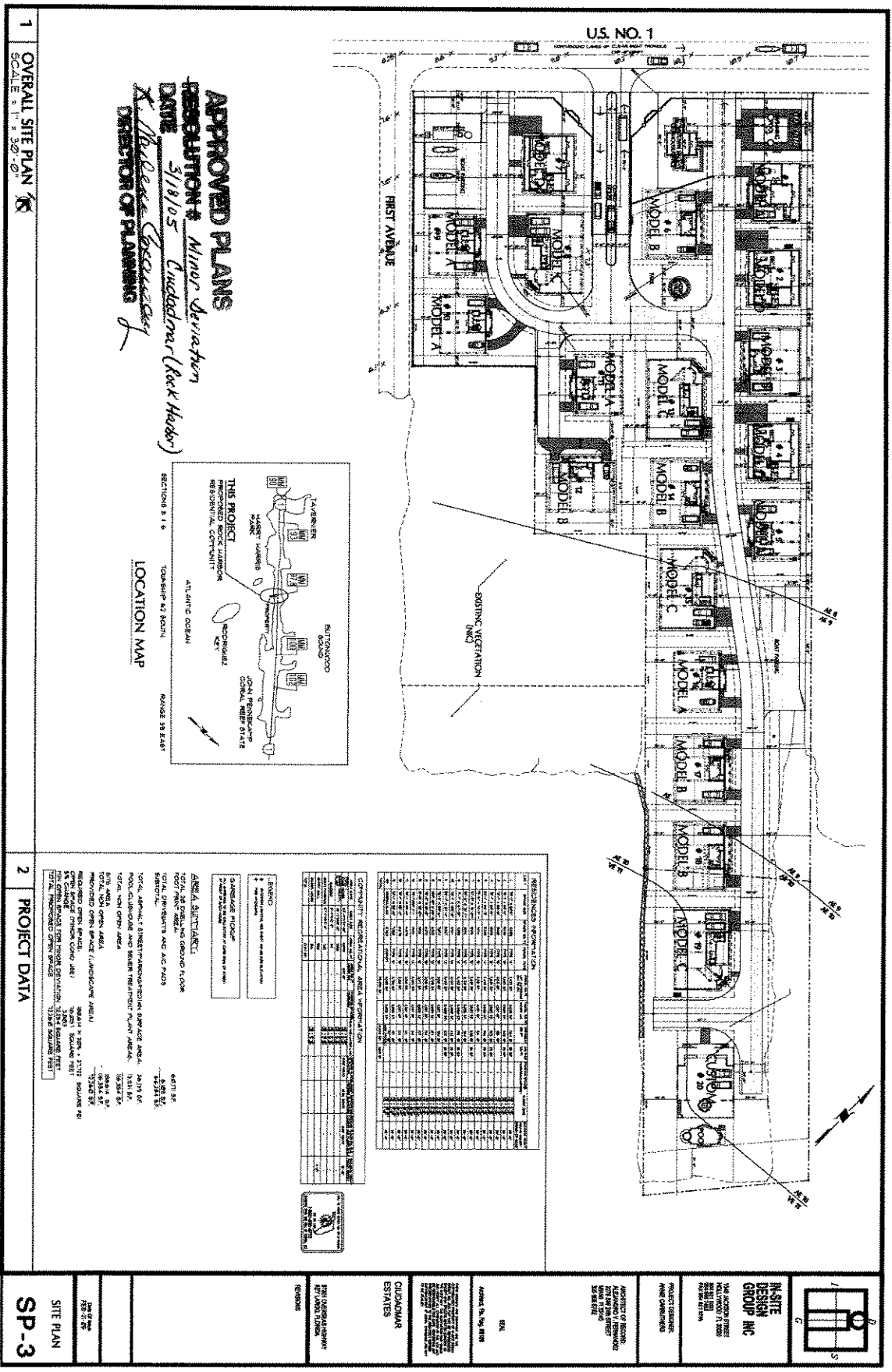
If you have any further questions do not hesitate to call at (305) 289-2500.

Sincerely,

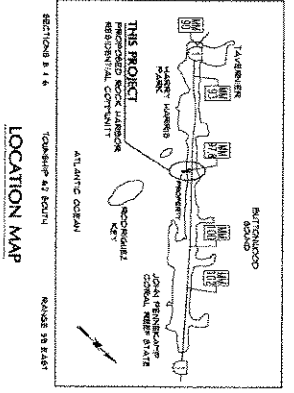

K. Marlene Conaway

Sr. Director of Planning & Environmental Resources

CC: Joel Reed, Planner
Gay Marie Smith
Annie Carruthers



APPROVED PLANS
RESOLUTION # *Minor Deviation*
DATE *5/18/05* *Cincoedmar (Rock Harbor)*
Director of Planning



| COMPARATIVE INFORMATION | |
|-------------------------|---------|
| AREA A | AREA B |
| AREA C | AREA D |
| AREA E | AREA F |
| AREA G | AREA H |
| AREA I | AREA J |
| AREA K | AREA L |
| AREA M | AREA N |
| AREA O | AREA P |
| AREA Q | AREA R |
| AREA S | AREA T |
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| AREA RK | AREA RL |
| AREA RM | AREA RN |
| AREA RO | AREA RP |
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ARCHITECT OF RECORD
JAMES J. HARRIS
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CLIENT
CINCOEDMAR

DATE
5/18/05

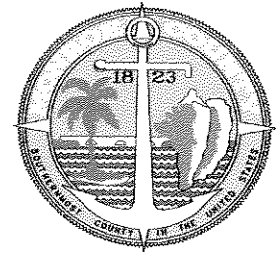
SCALE
1" = 30'

SHEET NO.
SP-3

TITLE
SITE PLAN

REVISIONS

APPROVED
JAMES J. HARRIS
JHARRIS@ISDGROUP.COM



Memorandum

TO: Donald Leland Craig, AICP
FROM: K. Marlene Conaway, Director of Planning and Environmental Resources
CC: Tim McGarry, Joe Paskilik, Tim Root
DATE: May 29, 2003
RE: Request for minor deviation to Major Conditional Use Order P82-00 (Hurricane Hole)

I. Background and Request

Hurricane Hole Marina received a Major Conditional Use Order (P82-00) in 2000. The site was approved for the following uses: one restaurant (3,895 s.f.), one commercial retail shop (576 s.f.), one dive shop (850 s.f.), one workshop/limited storage (209 s.f.), and covered storage for a maximum of 63 boats (5,880 s.f.) The minor deviation that you have requested is to completely remove the workshop/limited storage (209 s.f.) and add 150 s.f. to the dive shop, increasing the floor area to 1,000 s.f. The remaining 59 s.f. will be extinguished.

II. Review of Request

Density/Intensity Compliance

While clearly the workshop/limited storage and the dive shop/retail store are different uses with a different level of intensity, when the floor area ratios were calculated in the major conditional use application both were given a FAR of .30. Because the FAR was calculated an identical manner, these uses were considered the same in terms of density and intensity of use, so combining them does not impact the total density/intensity of the site.

Parking Compliance

MCC 9.5-351 requires that for each 1,000 s.f. of commercial retail 3 parking spaces are necessary. The 850 s.f. dive shop was required to have 3 parking spaces $(3/1,000) \times 850 = 2.55$ rounded to 3). With the addition of 150 s.f. the dive shop would still be required to only have 3 spaces. Additionally, the one required space for the 209 s.f. workshop $(3/1,000) \times 209 = .627$ rounded to 1) will remain as a part of the site plan although the workshop has been removed. Because the proposed change does not impact the parking requirements for the individual buildings, the shared parking calculations remain valid.

Traffic Study

The required traffic study submitted with the application for amendment to a major conditional use grouped the proposed uses on site into two categories for the purpose of determining potential traffic generation. The 3,505 s.f. restaurant was considered separately, however, all the other commercial uses, including the workshop/limited storage were combined and treated as 3,003 s.f. of specialty retail. Because the workshop was combined with the retail in the traffic calculations, it is assumed that the impact of increasing the size of the dive shop and eliminating the workshop could be accounted for in the traffic study.

Additional Compliance Issues

The proposed workshop was to be one of the few structures on site to remain below the based flood elevation (the other two structures, the bathhouse and 975 s.f. CBS retail shop, were existing). The removal of the workshop and the addition of its square footage to the elevated dive shop will bring the site into compliance with MCC flood plain regulations. The proposed change will reduce the total commercial square footage of the site by 59 s.f., and the proposed expansion of the dive shop will encroach only into the area where the workshop was indicated, therefore not impacting the overall site design.

III. Discussion and Recommendation

This request for a minor deviation to eliminate the workshop and expand the dive shop is after the fact. The dive shop is already constructed with the addition of the 150 s.f. from the workshop as was discovered on a planning inspection on May 28, 2003. While this change is a minor modification and has no impact on the overall site as determined in the above analysis, the Planning and Environmental Resources Department does not look favorably upon requests that clearly should have been submitted earlier. Any change to the site of a Major Conditional Use Order must be presented to the Planning director in writing and may require a hearing in front of the Planning Commission.

Current circumstances aside, the proposed change to conditional use order P82-00 of eliminating a workshop and adding 150 s.f. to the retail dive shop as indicated on the attached revised site plan is consistent with the intent of a minor deviation and is hereby granted.

MEMORANDUM

To: Permit File #97-1-026, Strikezone Charters

From: Timothy McGarry, Director of Planning

Date:

Re: Relocation of fuel tanks shown on site plan
approved by Resolution #70-94

Pursuant to Sec. 9.5-72(b)(3) which authorizes the planning director to approve minor deviations from the final development plan, I hereby approve the relocation of the fuel tank as shown on the approved site plan to the location designated on the attached revised site plan. This relocation of the fuel tank is based upon the recommendation of the Fire Marshal's Office, in a letter dated February 6, 1997, requiring the relocation of the tank for health and safety reasons.

MEMORANDUM

To : File

From: Sheryl Bower

Date:

Re : Tracker Marine Revision to 96-3-2556

As per the minor deviation approved 1/27/97 (see attached), Tracker Marine can make the following additions to the main building:

1. 165 s.f. at the north entry.
2. 103 s.f. in the south display window (2nd floor).
3. 27 s.f. at the meeting room (2nd floor).
4. 778 s.f. of office area (2nd floor).

1078 s.f. Total additions

Because the following floor area will be removed, the above noted additions will not be subject to commercial rogo.

Eliminations:

1. 84 s.f. of floor area from the south display window.
2. 90 s.f. floor area adjacent to the Rod & Reel Repair.
3. 305 s.f. demo the barbecue.
4. 477 s.f. demo the chickee hut.
5. 146 s.f. difference between main bldg. approved 26,204 s.f.
and main bldg. as permitted 26,058 s.f.

1102 s.f. Total eliminations

24 s.f. surplus

